

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. RA043D2C3C2)

In the Application of:

FARMWALD ET AL.

Serial No: 09/779,296

Filed: February 8, 2001

Title: MEMORY DEVICE HAVING A VARIABLE
DATA OUTPUT LENGTH

) Group Art Unit: 2818

) Before

) Examiner: T. Nguyen

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION

Dear Sir:

In the Office Action dated June 29, 2001, certain claims of the instant application have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable in view of certain claims of U.S. Patent No. 6,034,918 and certain claims of U.S. Patent No. 6,038,195. Moreover, specified claims of the instant application have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable in view of certain claims of co-pending Application No. 09/492,982 and certain claims of U.S. Patent 6,034,918.

In addition, the Examiner indicated that the Request to Approve Drawing Changes dated February 7, 2001 had been received but the actual drawings were missing.

Finally, Applicants have attached a copy of a Supplemental Preliminary Amendment submitted prior to the mailing of the above mentioned Office Action. No new matter has been added.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

To address the concerns regarding double patenting in light of U.S. Patents 6,034,918 and 6,038,195, and co-pending Application No. 09/492,982, Applicants submit herewith three (3) Terminal Disclaimers executed by the attorney of record in this application. The first Terminal Disclaimer is submitted to obviate the double patenting rejection over U.S. Patent 6,034,918. The second Terminal Disclaimer is submitted to obviate the double patenting rejection over U.S. Patent 6,038,195. The third Terminal Disclaimer is submitted to obviate the provisional double patenting rejection over pending Application No. 09/492,982. Applicants believe that these Terminal Disclaimers comply fully with the relevant parts of 37 CFR § 1.321.

REQUEST TO APPROVE DRAWING CHANGES

Enclosed herewith is a complete copy of the Request to Approve Drawing Changes as originally filed on February 7, 2001. In view of the missing drawings, Applicants have enclosed: (1) a copy of Figure 10 with the proposed changes indicated in red; (2) Figure 10 incorporating the proposed changes; and (3) new Figure 16. No new matter has been added.

SUPPLEMENTAL PRELIMINARY AMENDMENT

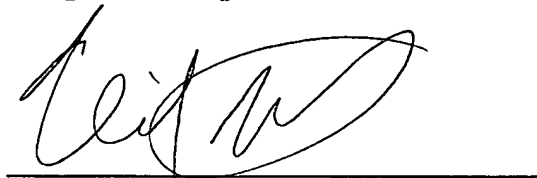
In the above captioned Application, a Supplemental Preliminary Amendment was submitted on May 1, 2001, along with an Information Disclosure Statement, and Cross Reference Under 37 C.F.R. §1.78 (hereinafter "the Submission"). It appears that the Submission has not been timely matched with the USPTO's file before the mailing of the above-mention Office Action on June 29, 2001.

Attached is a copy of the Submission, which includes the return postcard bearing the stamped date of May 3, 2001 and Certificate of mailing under 37 C.F.R. §1.8, dated May 1, 2001, indicating that the Submission was timely filed before 3 months from the February 8, 2001 filing date of the instant application. Pursuant to 37 C.F.R. §1.115, Applicants request official entry of the Submission and consideration of the claims presented therein.

CONCLUSION

Applicants request entry of the foregoing response. Applicants submit that all of the claims present patentable subject matter. No new matter has been added. Accordingly, Applicants respectfully request allowance of all of the claims.

Respectfully submitted,



Neil A. Steinberg
Reg. No. 34,735
650-947-5325

Date: July 6, 2001